

NATURE OF CHARGE: Pineapple, Koko-Nut, and Strawberry Candy Bars. Adulteration, Section 402 (b) (1), valuable constituents, pineapple, coconut, and strawberry, had been omitted from the articles; Section 402 (d), the articles were confectionery and contained a nonnutritive substance, mineral oil; and, Koko-Nut Candy Bar, Section 402 (b) (4), corn flakes had been added to the product and mixed and packed with it so as to make it appear to be a coconut bar, which is better and of greater value than the article was.

Misbranding, Section 403 (a), the names "Pineapple," "Koko-Nut," and "Strawberry," and the designs of a pineapple, a coconut tree, and a strawberry, on the respective wrappers, were false and misleading.

Peanut Bar. Adulteration, Section 402 (b) (2), a candy bar containing peanuts and puffed cereal had been substituted for "Peanut Bar," which the article was represented to be. Misbranding, Section 403 (e) (2), the label of the article failed to bear an accurate statement of the quantity of the contents since the statement "Net Weight 1¼ Ozs." was inaccurate, as the net weight of the packages was less than 1¼ ounces.

DISPOSITION: August 27, 1946. Pleas of nolo contendere having been entered on behalf of defendants, the court imposed a fine of \$500.

11162. Adulteration of candy. U. S. v. J. & J. Candy Co. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 20177. Sample No. 291-H.)

INFORMATION FILED: September 5, 1946, Western District of North Carolina, against the J. & J. Candy Co., a partnership, Charlotte, N. C.

ALLEGED SHIPMENT: On or about August 2, 1945, from the State of North Carolina into the State of Arkansas.

LABEL, IN PART: "Ko-Ko-Nut Cream Bar."

NATURE OF CHARGE: Adulteration, Section 402 (d), the article was confectionery and contained mineral oil, a nonnutritive substance.

DISPOSITION: On October 7, 1946, a plea of nolo contendere having been entered by the defendant, the court imposed a fine of \$100 on the first count of the information and suspended judgment on the other 2 counts. On April 7, 1947, the remaining counts were dismissed.

11163. Adulteration of candy. U. S. v. 3 Cases * * * (and 6 other seizure actions). (F. D. C. Nos. 20310, 20311, 20551, 20653, 20709, 20710, 20776. Sample Nos. 171-H to 173-H, incl., 1277-F to 1280-H, incl., 1476-H, 1925-H, 1926-H, 41938-H.)

LIBELS FILED: Between the dates of July 1 and September 6, 1946, Southern District of Florida, Eastern and Western Districts of South Carolina, Western District of Virginia, and Northern District of Georgia.

ALLEGED SHIPMENT: Between the approximate dates of May 20 and July 24, 1946, by United Food Brokers, from Atlanta, Ga., and Spartanburg, S. C.

PRODUCT: 1,451 pounds of candy (in various size containers) located, as follows: 3 cases at Bartow and 2 cases at Lake Wales, Fla.; 5 cases at Anderson, 6 cases at Columbia, and 3 cases at Sumter, S. C.; 7 cases at Roanoke, Va.; and 10 boxes at Atlanta, Ga.

LABEL, IN PART: "Tid Bits," "Cocktail Mints," "Small Mints," or "Lg. Mints."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: Between the dates of July 31, 1946, and January 8, 1947. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

11164. Adulteration of sugar-toasted peanuts. U. S. v. 100 Cartons * * *. (F. D. C. No. 19641. Sample No. 9682-H.)

LIBEL FILED: April 18, 1946, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 20, 1946, by the Sophie Mae Candy Corp., from Irvington, N. J.

PRODUCT: 100 cartons, each containing 36 ½-pound packages, of sugar-toasted peanuts at Pittsburgh, Pa.

LABEL, IN PART: "Sophie Mae Sugar Toasted Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 18, 1946. No answer or other defense to the action having been made, judgment of condemnation was entered and the product was ordered destroyed.

11165. Adulteration of sugar-toasted peanuts. U. S. v. 42 Cartons * * *
(F. D. C. No. 19642. Sample No. 9683-H.)

LABEL FILED: April 22, 1946, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 20, 1946, by the Sophie Mae Candy Corp., from Irvington, N. J.

PRODUCT: 42 cartons, each containing 36 ½-pound packages, of sugar-toasted peanuts at Altoona, Pa.

LABEL, IN PART: "Sophie Mae Sugar Toasted Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 12, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution for use as hog feed or destroyed. The product was destroyed.

11166. Adulteration of popcorn confection. U. S. v. 22 Boxes * * *
(F. D. C. No. 19242. Sample No. 41829-H.)

LABEL FILED: March 9, 1946, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about October 17, 1945, by the Almonette Candy Co., from Lynn, Mass.

PRODUCT: 22 boxes, each containing 60 ¾-ounce bars, of popcorn confection at Greenville, N. C.

LABEL, IN PART: "Tasty Crunchy Delicious Molasses, Peanut Cornette."

NATURE OF CHARGE: Adulteration, Section 402 (d), the article was confectionery and contained a nonnutritive substance, mineral oil.

DISPOSITION: January 13, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

SIRUP AND SUGAR*

11167. Adulteration and misbranding of maple sirup. U. S. v. 23 Jugs * * *
(F. D. C. No. 20293. Sample No. 63335-H.)

LABEL FILED: June 21, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about May 9, 1946, by C. Ferrari, Inc., from New York, N. Y.

PRODUCT: 23 1-gallon jugs of maple sirup at Clifton, N. J.

LABEL, IN PART: "Vermont Maple Syrup Pure Exclusive Distributors Burlington, Vt. St. Johns Boro."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, maple sirup, had been in whole or in part omitted from the article; Section 402 (b) (2), an artificially flavored and colored mixture of sucrose and corn sirup, containing little, if any, maple sirup, had been substituted in whole or in part for maple sirup; Section 402 (b) (3), inferiority had been concealed by the addition of artificial flavor and color; and, Section 402 (b) (4), artificial flavor and color had been added to and mixed and packed with the article so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statement "Vermont Maple Syrup Pure" was false and misleading; Section 403 (e), the label failed to bear the name and place of business of the manufacturer, packer, or distributor, and

*See also No. 11201.